

# THE MARTHA'S VINEYARD COMMISSION

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## *Martha's Vineyard Commission Minutes for the Special Meeting of April 4, 2002*

The Martha's Vineyard Commission (the MVC or the Commission) held a Special Meeting on Thursday, April 4, 2002, at 7:30 p.m. in the conference room at the Commission Offices in the Olde Stone Building, 33 New York Avenue, Oak Bluffs, Massachusetts. At 7:34 p.m., James R. Vercruysse – Commission Chairman and a member at large from Aquinnah – called the Special Meeting to order.

*[Commission members present at the gavel were: J. Athearn; J. Best; C. Brown; M. Cini; M. Donaroma; J. Greene; T. Israel; M. Ottens-Sargent; K. Rusczyk; L. Sibley; R. Toole; J. Vercruysse; K. Warner; R. Wey; A. Woodruff; and R. Zeltzer.]*

The Chairman handed the gavel over to Richard J. Toole, a Commission member at large from Oak Bluffs, Chairman of the Land Use Planning Committee and the Hearing Officer that evening.

### **Public Hearing: Tisbury Inn Reconstruction (DRI #550).**

Mr. Toole read into the record the Notice of Public Hearing for the Tisbury Inn Reconstruction in the Town of Tisbury (DRI #550). *[See the Full Commission Meeting File of April 4, 2002 (the meeting file) for a copy of said notice.]* Mr. Toole then explained the Hearing procedure that would be followed that evening.

### **Disclosures.**

Marcia Mulford Cini, a Commission member at large from Tisbury, stated: "I want to make the disclosure that on more than one occasion I have represented a lender in connection with loans to the Applicant, and although it is not a conflict of interest, I just thought it was information that the Commission can have." "Anyone have a problem with that?" asked Mr. Toole. None of the other Commission members objected.

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Tristan Israel, the Tisbury Selectmen's Appointee, disclosed that he on occasion did some landscaping for the Applicant. None of the other Commission members objected.

**Applicant's Presentation.**

**Sherman Goldstein introduced himself and his wife, Susan, co-owners of the Tisbury Inn.** Noting that the fire that had destroyed the inn was public knowledge, he reported that the demolition of what remained, which would take about three weeks, was scheduled to begin on Monday, April 8. "We're operating under a pretty slim timetable," he said, "because we cannot afford to miss the 2003 season, and this is going to be a year's project."

After the demolition, Mr. Goldstein explained, the excavation for the basement would begin, which would include under-slab plumbing and electrical work. The site would be fenced off and protected, he said, and major work would begin in the fall, serendipitously at the same time as the Town of Tisbury's Main Street sewer project.

Mr. Goldstein introduced **architect David Galler of Prellwitz/Chilinski Associates**, who proceeded to go over the plans. Mr. Galler referred the Commission members to copies of site plans, drawings and historic photographs that had been distributed. *[See the meeting file for copies.]* Pointing to some mounted photographs, Mr. Galler went over in some detail what the inn had looked like in the past and how the site existed currently. He mentioned that a year and a half before, his firm had designed the Zephyrus restaurant, which was part of the inn complex.

"We look upon this as an opportunity to do something to actually evoke what the inn used to look like, like the historic photos that you have in your package," continued Mr. Galler. Basically, they planned to build over the existing footprint, he explained, with a couple of minor exceptions. He then showed an artist's rendering of the proposed rebuilt structure.

Mr. Galler pointed to the elements in the new design that were different from the previous one. At the corner where Beach Road met Main Street, the architect had designed a wraparound porch, which was an element on the original Mansion House (as the inn was once called). "That will give you access to some new retail shops that will wrap the corner down Main Street through Beach [Road]," he said.

In addition, Mr. Galler went on, they were proposing to alter the roof shape. Currently, there were two floors of rooms, plus a hipped roof with a cupola; the proposal showed the same two floors of rooms but with a mansard roof that would allow them to put an additional floor of rooms under the roof. "The overall height of the mansard is no taller than the cupola on the building today," he said.

Mr. Galler then walked the Commissioners through the floor plan, using a drawing that showed both the current footprint of the Tisbury Inn and the footprint of the proposed

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reconstruction. For one thing, the alley in back of the Christian Science Reading Room, next to the swimming pool, would be filled in, thus expanding the area of the ground floor. Responding to a question from John Best, a Commission member at large from Tisbury, Mr. Galler showed how this change would be accomplished.

Mr. Galler also pointed to the area where there was currently a park and where the new structure would extend closer to the sidewalk. He indicated the line of the current front porch and where the restaurant and an existing retail store were, noting that these last two elements had not been damaged in the fire. The health club would be rebuilt on the lower level of the inn, he said, and most of the club would be on that level. He related that the pool was being relocated from a back building to a location under the new inn; a 25-yard lap pool was planned.

Mr. Galler continued that the retail area at the corner of Main Street and Beach Road would be expanded, and in place of the current pool building, they would add two additional retail storefronts. He pointed to the expanded and consolidated locker room area. On the lower level would be an aerobics studio, and on the first floor, behind the current lobby, would be a cardio-fitness area, he noted.

The inn lobby would be in the same position, Mr. Galler explained, while a number of bathrooms in the current design had been consolidated into one location serving both the inn and the restaurant. He showed where stairs would lead down to the sidewalk from the wraparound porch.

Also on the ground floor would be a meeting/function room, an element that did not currently exist. "The reason for including that is the Goldsteins feel that there's a sort of a meeting-conference business potential and things like wedding parties that are looking for a place to have rehearsal dinners," Mr. Galler said. "So we're planning this meeting room, which can be serviced from the existing restaurant."

Above the retail storefronts on Beach Street would be "a small amount of professional office space," related Mr. Galler. Since the restaurant had not been damaged by the fire, he said, it was their intention to make the restaurant weather-tight after the demolition and open it for business in the upcoming season.

The proposed upper floor, Mr. Galler continued, was more regular than the one that currently existed. Currently, he pointed out, there was a setback from the restaurant entrance. Although they would keep the bay element, he noted, the proposed footprint was a more rectangular footprint that sat completely over the previous building with the exception of the little alleyway on the Beach Road side that would be filled in. The second, third and fourth floors would be identical, except the fourth floor stepped back a little with the mansard roof.

Next, Mr. Galler showed drawings of the south (Main Street) elevation, where he had proposed some decorative cornice-work at the top of the existing restaurant structure to

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tie it in with the new roof line. He pointed out how the line of the top of the mansard roof was a few inches below the top of the current cupola. The new cupola, he said, was really for the elevator overrun in the building, and the new building would be completely handicapped-accessible.

The wraparound porch extended in front of the retail storefronts, Mr. Galler went on, and with the sharp drop in the grade on Beach Road, by the time you reached the retail shops that would replace the pool building, the sidewalk was a full level below Main Street. He pointed to where the current breakfast room was, which would be replaced with guestrooms, and noted that the new breakfast room would be off the lobby in the conference room or the restaurant.

Mr. Galler then went over an elevation looking back towards the water and showed the two-story retail space that would replace the pool building and the guestrooms that would be located over that up to the rooftop. He showed another elevation rendering from a position over the restaurant looking towards the harbor, a point of view that you would not see much of, he noted, unless you were proceeding down Main Street from the direction of West Chop.

**Questions and Comments from Commission Members.**

Megan Ottens-Sargent, the Aquinnah Selectmen's Appointee, wanted to know how much taller than the current roof the redesigned roofline would be. "The existing building, I believe, is about 43 feet above the sidewalk level," answered Mr. Galler, "and our roof is about 6 inches short of that right now."

Ms. Ottens-Sargent stressed that she was not talking about the height of the cupola, but the heights of the current roof line and the proposed roof line. The current roof line was 43 feet from the sidewalk, replied Mr. Galler. "So you're not really raising the roof at all?" asked Ms. Ottens-Sargent. "We're building a different-shaped roof," responded Mr. Galler. "Currently, there's a pitched roof that rises to that point, and we're building a mansard roof which is steeper at the edge but no taller in overall height."

Ms. Ottens-Sargent also inquired about the sidewalk area on Beach Road, in front of the new retail storefronts. Mr. Galler pointed to the boundary of the existing sidewalk in that area and showed how the curb line would remain the same.

The architect elaborated: "But you can see as the building indents here, we're extending some paving and planting to widen the sidewalk, and we're building a little bit closer to the, this covered porch extends a little bit closer to the corner, but we're redoing the planting that exists in the corner today to incorporate stairs that will take you from the covered porch down to the sidewalk level. So we're not changing the profile of the sidewalk, but we are bringing the building up to it in a slightly different way."

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Ms. Ottens-Sargent wondered if the redesign would accommodate more pedestrian retail traffic, relating that that had been an issue raised during the Applicant's appearance before the LUPC. Mr. Israel interjected that the Town of Tisbury was in a "throes of a debate" regarding the widths of the sidewalks in the future, once the roads were repaved following the sewer excavation. So it was not possible to know right now the precise measurements of any future sidewalks, he explained.

Mr. Goldstein pointed out that the bay window that currently extended directly down to the sidewalk level, thereby severely occluding the sidewalk, was not included in the first floor plan for the reconstruction.

Ms. Ottens-Sargent inquired if there would be bathrooms for staff at the retail shops on the premises. "The staff had always had access to the bathrooms that were in and off the lobby," replied Mr. Goldstein, "and they will continue to have access to them." He added, "That has been something of an economic hardship, with having a septic system. But with the new sewer system, I think that that will be less of an issue."

Mr. Best returned to the question of the roof line heights. "What I seem to be hearing from you originally was that this roof is going to extend up to 6 inches lower, this main roof, the flat part of the mansard roof, not the planned cupola, the main roof is going to extend up 6 inches below the top of the old cupola," he said. "That's correct," answered Mr. Galler.

Mr. Best continued: "Now, you don't seem to be factoring in in any of your discussion how high the new cupola is going to be above the old. That's really kind of comparing apples and apples. The old roof is a hard thing to call because it's a hip roof."

DRI Coordinator Jennifer Rand stepped forward to answer: "According to the plans, the existing roof line – not the cupola line – the existing roof line is 37 feet. The requested roof line is 43 feet, not counting the cupola, which, if you scale it out, seemed to be ... another 10 feet. So it could be as much as 53 feet, but I don't have a scale on that. But if you go roof line to roof line, it's 37 to 43."

Mr. Best confirmed with Ms. Rand that by roof line she meant the top of the roof, not the eaves. Ms. Rand emphasized that she was talking about Main Street elevations. "So it is in fact going to be a certain number of feet above, if you can take the cupola right out of it, it's going to be 6 feet higher than the existing roof line," said Mr. Best.

In addition, although he understood that the bay window would be taken out of the first floor plan, Mr. Best noted that of greater concern to him was the stone wall in front of Zephirus. Mr. Goldstein pointed out that the stone wall was 3 inches further away from his property line than the fence that had been there for 18 years. Mr. Best related that in conversation with Department of Public Works Superintendent Fred LaPiana it had been revealed to him that the Town hoped to get an additional foot of sidewalk in that area. It

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concerned him, he stressed, because it seemed to him that the current sidewalk configuration was not wide enough to accommodate a wheelchair.

Mr. Goldstein explained that on their property was the last existing elm tree on Main Street "that we spend approximately four to eight hundred dollars every year with Bobby Hagerty to keep alive and maintain. That elm tree itself, which is before or after, depending on your direction, the stone wall that you refer to, the sidewalk there is 18 inches wide. The sidewalk in front of the stone wall is at least 3 feet wide. Fred LaPiana's plan is to make, is to create at least 5-foot sidewalks everywhere in Vineyard Haven. So I think that he and the DPW and the wisdom of the Town will decide that."

Mr. Best observed that he wanted to be sure the sidewalk width would be adequate, even if the Town did not carry out its plans. To him it seemed that the new building on either side of the bay window would be extending out a little bit farther than it currently did. Mr. Galler responded, "No, the porch line is basically the front wall of the building less the bay. We purposely removed the bay, and it begins on the second floor only, above the porch. So along the sidewalk it'll be set back as far as the current wall less the bay."

Ms. Goldstein related how Mr. LaPiana had had a number sessions around Town about the sidewalk plans. "He talks about how uneven the amount of sidewalk space is up and down the road," said Mr. Goldstein. "Tristan [Israel] can speak to that better than I can. And that's already in the works because we are definitely putting in sewers, and so the amount of sidewalk will be adequate. The only question is what the sidewalk will be. Will it be bricks or ..." Mr. Best interrupted and asked if all this work would be concurrent. "Yes," replied Ms. Goldstein.

Mr. Israel said he wished to qualify Ms. Goldstein's statement. Currently, he noted, the Town owned 8 feet out, and the debate was how much sidewalk there would be on either side. It could, for instance, be bigger on one side and smaller on the other. "I can't tell you in all good honesty how that's going to come out," he stressed.

Linda Sibley, a Commission member at large from West Tisbury, wondered if the Applicant would have to go before the Board of Appeals for a Special Permit for the roof line. "Yes," answered Mr. Goldstein. Ms. Sibley also wanted to know how much above the permitted height the proposed roof line would be. Mr. Galler replied that his understanding was that the height limit in that area was 35 feet. "The current building is taller than 35 feet," he said, "and the zoning relief that we'll need is to reconstruct an existing non-conforming structure, because it currently is in excess of the height limit."

Kate Warner, the West Tisbury Selectmen's Appointee, inquired how members would enter the health club. Mr. Galler replied that they would enter through the lobby into the cardio-fitness room or down the stairs into the locker rooms. A member could also ride the elevator down one floor to the locker rooms, he added. Ms. Warner commented, "I hate a plan in which you're encouraging elevator use, from an energy point of view,

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particularly for a health club." "However, our health club accommodates many people who have different kinds of access issues," remarked Ms. Goldstein.

Ms. Warner also wanted to know how the restaurant patrons got to the restrooms. "They go through the lobby," said Mr. Goldstein. "Currently, the restrooms are right above here, but that portion of the building is being demolished. So our plan was to consolidate all the toilet requirements into one accessible facility. So we put them all in the lobby. You go through the lobby to get to the restrooms."

Turning to the Beach Road elevation, Ms. Warner commented that what was nice about the Mansion House was that its scale was broken up by a lower-level element. In the proposed design, she said, there was "a tremendous grade drop, and it means if you were walking along this sidewalk, because of the additional height you're putting on this building, its size is dwarfing people. And you really don't see that in any of the Mansion House pictures, because in reality the Mansion House didn't go that far." Ms. Warner expressed the view that it would be good to know how the height of that elevation would compare to the other buildings nearby.

Mr. Galler responded that Ms. Warner was correct in observing that from that location one would see the full height of the building. "But I think this view is a little more faithful to what you would experience on the sidewalk," he said. "You really only have a one-story porch here, and as the sidewalk drops, you will experience that up to two stories and then the pool piece that will be rebuilt is also only two stories.

Mr. Galler continued, "So you're correct that at this one location, which is also set ... back from the sidewalk with a little planting in front of it and we've also made an arcade across the front of this building so you've got covered entry to these retail stores. So I think that on the whole length of the Beach [Road] elevation, it's really only this notch where you see the full height of the building without the covered porch or the two-storied piece here. So it is a fair comment that the building is closer to the street and taller, but I would suggest that most of what you would experience that's on the sidewalk is really no more than a two-story elevation except for this one narrow piece here."

Ms. Warner expressed the opinion that if the massing of the new building design had better approximated that of the old Mansion House, the effect would be more scaled-down. She spoke briefly about the configuration of the elements of the older structure and how such an arrangement "would be a little more in scale with Main Street."

Ms. Ottens-Sargent asked about the width of the sidewalk under the arcade and how much closer the redesigned building would be to the street. "The current building is right on the street, and we're creating the arcade by setting the building back from the sidewalk," replied Mr. Galler, who added that the covered arcade would be 6 feet deep and would be set back from the line of the current pool building.

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Mr. Best referred to the gabled dormer that would extend out of the face of the building on Beach Road. Mr. Galler responded, "It was done to sort of carry this bay theme that existed on the Main Street corner at the far corner of the building, so that as you come along the face of the building, the Main Street side ends with a bay, and we thought that was a reasonable way to end the Beach [Road] end of the building by incorporating another bay."

"But then it picks up the exact same mass of the building as you go beyond that for, like, one window's width. Is that correct?" asked Mr. Best. "I believe that's correct," said Mr. Galler. "So it's really not defining the end of the building quite as it does on Main Street," noted Mr. Best. He then observed that he was sympathetic both to Ms. Warner's remarks and to the fact that to address those concerns would require a redrawing of all the elements on that side of the building. "Is there anything you can incorporate into that face that will break up that mass?" he inquired.

After some discussion, Mr. Galler agreed that he could take a look at sweeping the arcade element over slightly. "It looks like the perfect spot for a big, beautiful tree," remarked Michael Donaroma, the Edgartown Selectmen's Appointee. Mr. Galler agreed that there would be room to plant a tree in the recess. Mr. Goldstein related that when the old linden tree had died, Timmy Clark had planted a linden tree at the site, which would be removed for the demolition on Monday. "I would be only too happy to have it replanted, come next spring, in that location," he said.

Mr. Israel confirmed with the architect that there was currently a massive concrete wall running along where the pool was currently. "That is correct," replied Mr. Galler, "that's the pool building, and there are very few openings in that wall right now."

"What do you have in mind for the Vietnam War Memorial that's currently located in the triangular corner?" wondered Ms. Cini. Mr. Goldstein answered that one proposal from Mr. LaPiana and Town Administrator Dennis Luttrell was to put it in the Linden Tree Park near the movie theatre.

Chairman Vercruysse expressed the thought that perhaps the recessed space on the Beach Road side of the proposed building would not be adequate for the root system of a large tree.

Mr. Israel wanted to know what precautions had been taken against the possibility of another fire. "Well, this is really a brand-new building," responded Mr. Galler, "so first of all, it's not going to be a wood-frame building. It will be a steel structure with wood siding on it. It's a fully sprinklered building. It will have all the code-required fire ratings. So ... it's not fireproof construction, but it's a brand-new building with all the current code-required fire suppression systems and rated stairwells. The old building had fire escapes. This has enclosed egress stairs through the building."



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Mr. Israel asked if there were planned egress routes. Mr. Galler showed on the plan the enclosed egress stairway that went down to the ground floor and out to the service drive. On the upper level was another enclosed stairwell that went down the middle of the building to the second floor and then onto an open stairway to the lobby.

James Athearn, a Commission member at large from Edgartown, wondered if the Town firefighters could reach all the way up to the top of the proposed building. "I think so, yeah," said Mr. Galler. "Did we get a letter from the Fire Department?" inquired Jane A. Greene, the Selectmen's Appointee from Chilmark. "No," answered Ms. Goldstein. Mr. Galler noted that they actually had not applied yet for a building permit. "We have reviewed the drawings and [had] kind of a code summary with [Building Inspector] Ken Barwick," he said, "just to ask him if there were any issues that he had with our proposal that we should know about."

Ms. Greene wondered if Mr. Galler was going to talk about the landscaping and lighting on the site. Mr. Galler replied that they would be redoing the corner park, adding landscaping in the Beach Road recess and mounting window boxes on the balconies. As for the lighting, he said, the only exterior lighting the Applicant was planning on would be lighting under the covered porch to light the walkway and the storefronts. In addition, there was existing lighting at the Zephyrus entrance, and the cupola would be internally illuminated. There would be no exterior lighting shining up on the building, he concluded.

Mr. Goldstein mentioned that as part of the Town's Main Street project, old-fashioned street lamps would be installed along that street.

Ms. Greene asked about deliveries. "The service drive that currently exists beyond the pool building is being maintained in exactly the same position that it is in today," replied Mr. Galler, adding, "This service court is pretty much unchanged." "And your parking is back there, too?" inquired Ms. Greene. There was some parking there, confirmed Mr. Galler, as well as on the adjacent lot, which was accessed from Cromwell Lane.

Mr. Toole wondered if there was a drainage plan. "We don't have a drainage plan *per se*," said Mr. Galler, "but we will tie in all the roof runoff to the storm drain, and since the building pretty much fills the site, there really isn't the issue about runoff that you might have on a site that has, you knowing, sloping ground around it. So we're thinking that roof runoff is pretty much the major issue."

**Staff Report.**

Ms. Rand referred the Commission members to her Staff Report dated March 28, 2002. [See the meeting file for a copy.] She noted that there would be three new retail spaces, one of which was characterized as a spa, in addition to the existing retail areas. The added total square footage was somewhere around 8,600 square feet, she said. Regarding the roof height issue, she continued, local zoning allowed 35 feet, the current height was

37 feet, and the requested height was 43 feet, not counting the cupola, which was approximately 10 feet above that.

The Applicant had indicated, Ms. Rand continued, that clients were encouraged to leave their cars at home at the time they called for reservations. The inn did have a parking lot, and in this district there were no parking requirements, she said. "Clearly, it's a commercial area," she remarked.

As for the issue of affordable housing, Ms. Rand noted that there was no offer on file. "The Applicant has indicated that they have given housing to, I believe, three employees in the past," she related, "and I've gotten letters from the employees saying they've had it. And the Applicant has indicated that that would be the case again. But further than that, there was no offer." As for correspondence, Ms. Rand referred to the aforementioned letters from the employees as well as to 22 letters of support.

"From the planning perspective," said Ms. Rand, "my only comment would be that this is going to be a formidable structure. It is not small, and it is going to look bigger than it does [now]. And clearly, it belongs in the business district, but I just think that I don't want anybody to be caught off-guard that it is going to be a formidable structure visually if it's built. So, those are my only comments."

#### **More Questions and Comments from Commission Members.**

Ms. Cini asked Ms. Rand if she had encouraged any further discussion about an additional affordable housing contribution. "We had a conversation," replied Ms. Rand. "And ...?" asked Mr. Israel. "The Applicant felt that – I mean, the Applicant is here and can speak for himself – the Applicant understood our policy and felt he was meeting a need by providing housing for his employees," replied Ms. Rand.

Mr. Goldstein commented, "Unlike any other hostel owner that I know, we're small. We have 32 rooms... The difference in the size of this is not an increase in the number of rooms. We have the same number of rooms as we had before. The rooms certainly are more commodious. A guestroom in 1884 was approximately 10 by 12. None of our employees want for housing. We don't charge any rent for our housing. Every other hotel, every other business that provides housing deducts something from their salary. We do not. I think that our record in terms of affordable housing, my service on the Land Bank, speaks to my commitment toward that."

Ms. Ottens-Sargent asked what the equation had been in the cases of other DRIs involving hotels. "I couldn't answer that tonight," said Ms. Rand. Ms. Ottens-Sargent also wanted to know about the room rates. "We're still continuing to seek the same middle-class market that we were seeking before," replied Mr. Goldstein. "The bulk of the year, ... almost eight months of the year, our room rates will be \$80 a night." For the last two years, he added, they had been \$75 a night.

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Mr. Goldstein related that the inn did have a series of rooms in the back designed for "the honeymoon couple that will have spectacular water views, although occluded a little bit by the police station, that will have nice water views out over the Vineyard Sound and the Cape, and those in the summertime will be \$300."

"What is the existing eave height of the building versus the proposed, because I think that is the most key thing," observed Ms. Warner. Ms. Rand indicated that she had not looked at the plan that way.

Mr. Toole requested that the architect put up a photograph of the existing building. Mr. Galler put such a photograph up next to the rendering of the proposed reconstruction. "They're much from the same vantage point," he noted. "I don't know what the eave height is," he added. "We can try to figure it out. When we asked for a property survey, and the height of the building, the information the surveyor supplied to us was the height to the top of the cupola. So that's what we took as the highest point of the existing structure. As I said before, the existing structure already exceeds the current height limit, and we were doing our best to stay within that high point as a kind of reference point."

Mr. Goldstein pointed out that the cupola that existed currently was not, strictly speaking, a cupola. "It's simply a ventilator replacing an ugly sheet metal [structure]," he said. "The cupola that was there settled at least a foot after the fire, so the height that the surveyor took was post-fire." He added that in the historical photographs one could see a rather massive cupola capped by a rather tall flagpole, something that the new cupola would not have.

The Hearing Officer asked for testimony from Town Boards; none was offered. He then asked for testimony from members of the public in favor or in opposition to the project; there was none. Thirdly, he asked for any questions from the public.

**General Questions and Comments from the Public.**

**Penny de Bettencourt of Oak Bluffs** wanted to know if the pool area would have any natural light available. "Yes, it does have windows ... out to the street in that area we were discussing for the planting," answered Mr. Galler. He pointed on the plan to where the windows would be.

**David Araujo of Oak Bluffs** said that he thought that there had been a bylaw in Tisbury regarding new businesses that required so many parking spaces. "In that area of Town," replied Mr. Israel, "it's my understanding that in that particular area of Town that bylaw didn't apply." He added that the Planning Board had left the whole parking issue out of the Waterfront District. "So in a sense now, there isn't anything that I'm aware of," he concluded. Ms. Rand confirmed that in that district there were no parking requirements. "And this is a B-2 District that's very specifically small," she said.

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**Eric Shenholm of Oak Bluffs** voiced concern about the height of the proposed building and how it might impede the view of people on State Road going up the hill. "It will be somewhat taller than the existing pitch of the current hip roof," said Mr. Galler.

Ms. Rand described how she had tried different driving routes earlier in the day to see if one could see the current building from any of those vantage points. "And you can't," she said. Clearly, she added, as one came down State Road towards the Cooperative Bank, one would plainly see the building. So, Ms. Rand concluded, there were no viewsheds from the surrounding streets except State Road, although it was possible that one could see the building from inside some of the houses in the area.

**More Questions and Comments from Commission Members.**

Ms. Sibley wanted to know if the architect could make to the same scale the two pictures on display of the current building and the proposed structure. "It may be possible to shrink or enlarge one or the other," replied Mr. Galler, who then suggested a different benchmark by which to judge the height. "This eave line on the new proposal is roughly the same as the eave line of the current building," he said. "You will see the mansard portion more prominently from a distance, but when you're walking around the building and you look up at the building, the eave line and cornice trim you have here is really pretty much where your eye stops..."

Mr. Galler added, "The height of the pitched roof is shallower than the overall height of the mansard roof. The side wall portion of both the current building and the proposed building will be roughly the same."

Ms. Greene pointed out that the porch would be in the way so that when one looked up while close to the building, one would only see to the top of the porch and not the bulk of the building. "You will see it when you come down State Road," she said. She noted as well that the buildings across the street were quite tall, so she did not think anyone would be losing a view because of the added height.

Ms. Warner asked how tall the Brickman's building was. It's a three-story building, replied Mr. Galler and Ms. Rand at the same time. Was the third story in the gable? inquired Ms. Warner. Mr. Galler said he did not have a clear picture in his mind of that building. "It would be nice to see some sort of relation of this building to the one across because this is sort of the start of Vineyard Haven," remarked Ms. Warner.

Robert Zeltzer, a Commission member at large from Chilmark, wondered if the Applicant had a proposed finished schedule for the exterior of the new building, since the types of materials a builder used bore on the time it would take to have them delivered. Mr. Galler answered that the building would have wood siding "with nice carpentry detail."

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In terms of color, would it be similar to what was there? Mr. Zeltzer wanted to know. "I've usually been involved with the color," said Ms. Goldstein, "and it's going to be very similar to what's there, so that it blends in with everything that's on Main Street."

Mr. Zeltzer also inquired about the material and color of the mansard roof. "It's going to be a dark tone, and we're looking at ..." "We would love to be able to put slate shingles," interjected Mr. Goldstein, "but, you know, they cost a lot of money. There are some reasonable synthetic materials. You know, three stories off the ground you won't be able to tell the difference."

Responding to another question from Mr. Zeltzer, Ms. Goldstein said they were talking about a gray tone with a green stripe. Mr. Galler mentioned another possibility: some mansard roof materials had a diamond or fish-scale pattern in the shingles as a band running through the length. "And that's what we had in mind," he said.

Chairman Vercruysse remarked that he thought this was a good place for a big multi-purpose building. "I mean, you can go back and forth about the details and elevations, but I think we always encourage people to, you know, use their space and not spread out, and I think this is a good way to do this," he said.

**More Testimony from Members of the Public.**

**Michèle Ratté of Oak Bluffs** wondered if anyone had considered the use of solar collectors. "It has a lot of roof," she remarked. Mr. Goldstein replied that the new building would be fully insulated. He began to elaborate, then stopped himself and said, "No."

**Suzanna Nickerson of Edgartown** expressed concern about the sidewalks. She had noticed, she said, that coming up Beach Road around the corner onto Main Street, people often walked in the street. "It looks like it's getting narrower there," she observed, pointing to the site plan. Mr. Galler answered, "The curb line is no different than it is today. This area that's currently landscaped and has the little corner park, we are building the porch a little closer to the corner. But the sidewalk area doesn't change or the profile, unless the Tisbury sidewalk plan decides to make it wider or, you know, move it towards the roadway."

**More Questions and Comments from the Commission Members.**

Mr. Athearn asked Mr. Donaroma, a landscaper by trade, if in fact there would be enough space in the recessed area off Beach Road for the root system of a 40-foot tree. Mr. Donaroma responded, "I think a tree could grow to be 40 feet in there pretty easily. But to move a 40-foot tree might be difficult ... Street trees like in Edgartown are in small spaces, four by four, so you can be creative."

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Mr. Galler noted that in the recessed area the space between the sidewalk and the building would be 12 feet. "If you were to plant the tree at the back edge of the sidewalk, it would be a lot of root space," he said, adding, "There are trees that don't mind having their roots confined, so it's really a question of picking the right variety."

Ms. Ottens-Sargent wanted to know the approximate caliper of the tree that would be planted in the recessed area. Mr. Donaroma suggested that a Zelkova elm, which was V-shaped, was a big tree that could thrive there.

Mr. Goldstein expressed disappointment that the Commission had not received a letter from Michael VanValkenburgh, who had promised to do the landscape design around the new building *gratis*. Ms. Rand noted that that letter had not been received. Mr. Goldstein added, "You tell me what you want, and I'll be glad to plant it."

Mr. Best wanted to know if the Applicant had considered giving employees passes for the Tisbury Park-and-Ride lot. Mr. Goldstein responded that three years before, he had offered all the health club members a 25-cent refund for showing a receipt for the 50-cent round trip on the Park-and-Ride shuttle. "The total receipts that we got was zero," he said. "But we've always supported that," interjected Ms. Goldstein, "and we will continue supporting it." She pointed out that many of the inn's employees lived on site or bicycled or walked to work. "We do not have a problem with employee parking," she stated.

Mr. Best related that a lot of the health club employees used the parking lot behind the EduComp building. "That's probably something for Pat and Dorothy [Gregory] to talk to us about," said Ms. Goldstein. Mr. Goldstein explained that after five o'clock, the owners of the Brickman's, EduComp and the Martha's Vineyard Cooperative Bank had given them permission to use their parking lots.

Mr. Athearn confirmed with Mr. Goldstein that three employees were provided with housing by the Applicant. "Is it just three, or is it more?" he asked. "Two of them have children," answered Mr. Goldstein. "Two of them are single parents." "So you have three living units?" inquired Mr. Athearn. "Yes," responded Mr. Goldstein, "we have a three-bedroom apartment with kitchen, living room, modern tile, that we just built last year, rebuilt it last year."

Mr. Best wanted to know if the apartment would be reproduced in the new structure. "Yes," replied Mr. Goldstein. Mr. Best remarked that he did not see on the plan where the apartment was located. "The answer is that they're in the part that does not need to be replaced," explained Ms. Goldstein. Mr. Goldstein added, "There continues to be a one-bedroom apartment with a living room, bathroom, kitchen where the former three-bedroom apartment was, and then the other apartment is above the existing space. The answer is yes, we will continue to provide housing."

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Ms. Ottens-Sargent asked how many more employees would be on the premises after the reconstruction, including those working for the health club and the retailers. Mr. Goldstein said that he would have to be "somewhat prescient" to be able to answer that question. "I don't know what the staffing needs will be for the additional several retail stores," he stated. "All of our employees literally either live on site or walk or bike to work." He added that there was a single exception – Kathy Ashmun, who lived in Edgartown – and that there were six parking spaces in the service area in the back. "I, our chef, our sous-chef Kathy Ashmun park there, and there are three additional slots."

Mr. Goldstein pointed out that the Tisbury Inn's brochure highlighted the fact that the inn's proximity to the Steamship Authority terminal facilitated leaving one's car off-Island. "Our reservation clerks encourage people not to bring their cars," he said, noting that he had served on a traffic study committee in Tisbury.

Ms. Ottens-Sargent expressed concern that additional traffic would be generated due to the presence of the new conference room. "Yeah, but we hope that that's not going to involve more vehicles. We're not talking about driving out to Aquinnah or Gay Head," observed Mr. Goldstein. Ms. Goldstein said, "Well, we only have 32 rooms, so that if we do have some event, it would be the same amount of rooms. We'll be able to accommodate those people." She pointed out that having the conference room would help them to pay off the new debt they would incur with the reconstruction.

Mr. Donaroma wondered if there would be any architectural review by the Town. "The fire of 1883 obviated the need for any historical review," replied Mr. Goldstein. "So you're proposing to build a building that will look exactly like that – for the record," said Mr. Donaroma. "For the record, yeah," stated Mr. Goldstein. Responding to a question from Ms. Ottens-Sargent, Mr. Goldstein said that the siding would be clapboard.

Mr. Galler remarked that there would be a variety of window types. "We're planning to put [up] a building that really will remind you more of the historic photos than the kind of, you know, series of additions over the years that have done, you know, some unpleasant things to the building," he said.

Mr. Donaroma asked about the green areas on the site plan, and Mr. Galler pointed to the areas that would have plantings. In addition, he said, there would be a variety of balconies as well as window boxes. "Don't forget that elm tree," said Mr. Goldstein.

Mr. Israel inquired if the new structure would have a flag pole. "Ken Barwick suggested that our flags be on ... either side of the entrance to the lobby on a diagonal," answered Mr. Goldstein. Mr. Galler pointed to where the flags would be located. "The flag pole that is there will be removed and probably donated," noted Mr. Goldstein.

Mr. Israel wanted to know where the demolished material would go. "It's going off-Island," said Mr. Goldstein.

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Roger Wey, the County Commission representative, requested that the Applicant describe the work schedule. Mr. Galler responded that the demolition would begin on April 8 and would take three to four weeks. Then they would start foundation work and under-slab plumbing for the health club- and swimming pool-related work. It would actually be three or four months, he said, before anything would be seen coming out of the ground. "Our expectation is that this is a 12-month project, and we're hoping to start by the first of May and be done by the first of May," he concluded.

Chairman Vercruysse wondered if the Zephyrus restaurant would be under the same management. Ms. Goldstein answered that she and her husband would still own it. The Chairman asked if gift certificates would still be redeemable there. (Laughter.) "Not only will they be honored," replied Ms. Goldstein, "but anyone who had had any kind of gift certificate or health club membership, if they didn't want to hold onto it, we have been giving refunds." She added that they were using office space in the EduComp building that the Gregorys had offered them free of charge, so anyone wanting a refund could see them there.

Mr. Ottens-Sargent wanted to know if there would be "a lot of heavy-duty excavation." Mr. Galler replied, "The lowest level of the bottom floor will be even with the sidewalk at the edge of the current pool building. So it's not actually dug into the ground, but it is about 2 feet lower in that basement floor than it is today."

The Hearing Officer asked the Applicant if he wished to wrap up. "I think we've said it all," said Mr. Galler. Mr. Toole then closed the Public Hearing. The time was 8:54 p.m. Chairman Vercruysse called for a short recess.

**Special Land Use Planning Session: Tisbury Inn Reconstruction (DRI #550).**

The Chairman reopened the Meeting at 9:02 p.m. *[All 16 Commission members had returned to the conference room.]* Ms. Greene made a **Motion To Go Into Land Use Planning**, duly seconded by Christina Brown, a Commission member at large from Edgartown. Said Motion carried unanimously by Voice Vote.

Mr. Toole, the Chairman of the Land Use Planning Committee, took the gavel. Ms. Brown made a **Motion That The LUPC Recommend Approval Of The Tisbury Inn Reconstruction With Conditions**, duly seconded by Ms. Greene.

Mr. Zeltzer said that he was going to argue against Ms. Brown's Motion and suggested that instead the full Commission vote a Non-Concurrence on this Development of Regional Impact. He provided the following reasons: a) although he agreed with Ms. Warner that there would be a loss of human scale, he recognized the fact that the Goldsteins had been exceptional stewards of the property in question; b) the Zephyrus restaurant demonstrated the kind of taste and scale that would be brought to bear on the reconstruction; c) the new building would extend the active business district down Beach



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Road; and d) the loss of the inn had created enormous economic hardship for many of the other Main Street businesses.

Mr. Zeltzer also expressed concern that if the Commission started redesigning the building at this point, "we're going to come up with the proverbial camel." He recommended that the Commission trust the Goldsteins rather than get caught up in minor details like the width of the sidewalk or the height of the stone wall.

Ms. Rand pointed out to Mr. Zeltzer that this particular project was not subject to a Concurrence Vote, having been referred under Sections 3.301(a) and 3.402 of the *Standards and Criteria*. "I stand corrected," said Mr. Zeltzer.

Addressing Mr. Zeltzer's remarks, Ms. Brown said, "I know that technically it is a DRI, it's here, we don't have to concur or not. But I would think this is a good opportunity for us to think in the future about how we handle business development in business zones."

Turning to her Motion, Ms. Brown recommended the following Conditions: a) that the project be built as shown, including the architectural details, which she found to be very much consistent with the historic character of the building; b) that the Commission accept the Applicant's offer of housing for three of its employees; and c) that the Commission accept the Applicant's landscaping plan, which included a significant tree, understanding that details of the landscaping would be forthcoming and worked out with the Town as the Town developed its sidewalk plan.

Ms. Brown explained that her reason for recommending Approval had come straight out of the Commission's Policy Plan's, specifically, Policies I-1, I-2, I-5, I-10, I-11 and I-22. Said Policies pointed to:

- the encouragement of the local economy;

- the protection of year-round economic activity;

- the ensuring of economic vitality while maintaining historic integrity;

- the prioritizing of year-round job opportunities;

- the diversification of the Island's economic base so as to be less reliant on the building trades;

- the preservation of the Island's individual quality for residents, visitors and taxpayers;

- the encouragement of a welcoming attitude towards visitors;

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the recognition of the importance of the summer economy as a basis for the year-round economy;

the maintenance of existing business districts as vital and workable;

the restoration of historic buildings as an alternative to new construction;

the discouragement of development that created sprawl; and

the support of planned economic growth.

Ms. Ottens-Sargent observed that the fact that the Commission was considering a Vote on the project at that moment was an indication of the Board's concern for the economic ramifications of the project.

Ms. Sibley wanted to know if the "significant tree" was going to be in the "problem area," as viewed coming down the hill on State Road. "That was my Motion, yeah," said Ms. Brown.

Mr. Israel requested that a Condition be added that the Goldsteins encourage the use of the Park-and-Ride facility by their employees. Secondly, Mr. Israel pointed to the fact that the Tisbury Inn was an "anchor business" for the Town and that its destruction by fire had had an economic impact on nearby businesses.

Regarding the "significant tree" in the recessed area off Beach Road, Mr. Best expressed doubt that with only 12 feet between the sidewalk and the side of the building, any tree of considerable size would have only half a crown. "I ask you, Michael [Donaroma], will the tree successfully grow on one side?" he inquired. "Yeah, absolutely," replied Mr. Donaroma.

Mr. Donaroma then recommended a 7-to-8-inch caliper Zelkova elm, which is a straight, high-branched tree, so that at the first-story level one could walk under it, yet as it got taller, it got wider. "It's somewhat columnar, but it does have a sort of V-shape to it," he said, adding that the tree never got any wider than 15 feet at the top.

Andrew Woodruff, a Commission member at large from West Tisbury, remarked that the proposed building was attractive. "But so Kate [Warner]'s not, doesn't feel like she's all alone, I would say that I have similar concerns about the mass, particularly as you come down the hill, and hopefully the tree will help break that up," he observed. "But I guess at this point I'm deferring to the Tisbury ZBA to deal with any height issues."

Mr. Athearn commented that he respected the viewpoint that the scale was inappropriate. "But to my eye, it looks good," he said, "and also in my opinion tall buildings in urban areas on this Island, that's the place to put 'em. I agree with Jim [Vercruysse] that downtown I love to see the space utilized to the maximum. The more space that's

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utilized right there ... is not space being used on State Road or out in the woods somewhere." Mr. Athearn added that it seemed that the new building would look better than the previous one.

"Move the question," said Ms. Greene. Mr. Toole read through the list of proposed conditions. Ms. Ottens-Sargent wished to add that the Applicant should encourage the retail store employees to use the Park-and-Ride. Ms. Greene responded that the Goldsteins had no control over that. Mr. Best wondered if the Commission could back off a bit on exactly how the trim could be. "I'd rather give the architect a little bit of latitude on the trim detail and the color," he suggested. "I think we should tell them to adhere in spirit to the [historic character]."

Mr. Toole conducted a Voice Vote on Ms. Brown's Motion, which carried unanimously.

**Discussion/Oral Vote: Tisbury Inn Reconstruction (DRI #550).**

Ms. Greene made a **Motion To Move To Item Six, Possible Vote: Tisbury Inn Reconstruction**, duly second by Mr. Zeltzer. By Voice Vote said Motion carried unanimously.

Ms. Sibley made a **Motion To Approve The Tisbury Inn Reconstruction Project With The Conditions Recommended By The Land Use Planning Committee**, seconded by Ms. Greene.

Mr. Donaroma brought up the matter of a Certificate of Compliance and at what point in the project such document should be issued by the Commission. "When the Building Inspector gives them their Occupancy Permit," suggested Ms. Greene. The others nodded in agreement.

Regarding the Condition about the "significant" tree, Acting Principal Planner William Veno wanted to know if the Commission wanted the planting accomplished at the time the Occupancy Permit was issued. "That has to be done within a year of the Occupancy Permit," said Ms. Greene. "The landscape plan has got to be in place, but the actual planting of the tree may need to be in the fall." The others murmured their agreement.

Ms. Brown recommended that the Written Decision include a Sunset Clause. "That's boilerplate," noted Ms. Rand, who then inquired, "Do you want that as a separate Condition?" Ms. Brown replied that that would not be necessary.

Ms. Cini stated that she wanted to recognize that the remarkable ability to act quickly on such a large project was a real testimony to the Goldstein family. "Here, here," said Mr. Zeltzer.

Mr. Veno then conducted a Roll Call Vote on Ms. Sibley's Motion. The results were as follows:

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AYES: J. Athearn; J. Best; C. Brown; M. Cini; M. Donaroma; J. Greene;  
T. Israel; M. Ottens-Sargent; K. Rusczyk; L. Sibley; R. Toole;  
J. Vercruysse; R. Wey; A. Woodruff; and R. Zeltzer.

NAYS: None.

ABSTAINING: K. Warner.

The time was 9:28 p.m.

**Vote: Martha's Vineyard Arena Modification Written Decision (DRI #49M).**

*[Ms. Warner left the conference room for this vote. Thus, the Commission members present were: J. Athearn; J. Best; C. Brown; M. Cini; M. Donaroma; J. Greene; T. Israel; M. Ottens-Sargent; K. Rusczyk; L. Sibley; R. Toole; J. Vercruysse; R. Wey; A. Woodruff; and R. Zeltzer.]*

Ms. Greene made a **Motion To Approve The Written Decision For The Martha's Vineyard Arena Modification Development Of Regional Impact (DRI #49M) As Written**. Said Motion was duly seconded by Mr. Wey. *[See the meeting file for a copy of said Written Decision.]*

Ms. Brown commented, "This Decision, although we did it fairly straightforwardly, I really appreciate how it's written because it makes reference to the [Island] Plan and it makes reference to our Policies. It stands up well."

Responding to a question from Ms. Cini, Ms. Rand said that it was not necessary to condition the waiver of the Application fee.

Mr. Veno then conducted a Roll Call Vote on Ms. Greene's Motion, with the results as follows:

AYES: J. Athearn; J. Best; C. Brown; M. Cini; M. Donaroma; J. Greene;  
T. Israel; M. Ottens-Sargent; K. Rusczyk; L. Sibley; J. Vercruysse;  
R. Wey; A. Woodruff; and R. Zeltzer.

NAYS: None.

ABSTAINING: None.

INELIGIBLE: R. Toole; and K. Warner

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**Approval of Meeting Minutes.**

*[Ms. Warner was still absent from the conference room.]*

Ms. Brown made a **Motion To Approve The Minutes Of The Full Commission Meeting Of January Tenth, Two Thousand Two, As Written**, duly seconded by Mr. Best. There being no discussion, said Motion carried by Voice Vote, with 13 Ayes, no Nays and two Abstaining.

Mr. Israel made a **Motion To Approve The Minutes Of The Full Commission Meeting Of January Seventeenth, Two Thousand Two, As Written**, duly seconded by Ms. Brown. There being no discussion, said Motion carried by Voice Vote, with 12 Ayes, no Nays and three Abstaining.

Mr. Israel made a **Motion To Approve The Minutes Of The Full Commission Meeting Of January Twenty-Fourth, Two Thousand Two, As Written**, duly seconded by Ms. Sibley. There being no discussion, said Motion carried by Voice Vote, with 13 Ayes, no Nays and two Abstaining.

Mr. Israel made a **Motion To Approve The Minutes Of The Full Commission Meeting Of January Thirty-First, Two Thousand Two, As Written**, duly seconded by Ms. Brown. There being no discussion, said Motion carried by Voice Vote, with 13 Ayes, no Nays and two Abstaining.

Mr. Israel made a **Motion To Approve The Minutes Of The Full Commission Meeting Of February Seventh, Two Thousand Two, As Written**, duly seconded by Ms. Brown. There being no discussion, said Motion carried by Voice Vote, with 12 Ayes, no Nays and three Abstaining.

**Discussion: Public Meeting on the Future of the Martha's Vineyard Commission.**

Mr. Vercruysse delivered the **Chairman's Report**, noting that since the last Full Commission Meeting, the people of Oak Bluffs had voted at Special Town Meeting on a Petition for Home Rule to leave the Commission. He proposed that at some point the MVC conduct a Public Hearing to encourage a discussion about the reasons the Town had withdrawn. "And I want to have an opportunity [for people] to be better informed on what the Commission is and does for Oak Bluffs and the Island in general, because some stuff I've been reading, there's been a lot of misinformation," he said, adding, "I think we need to schedule something to give people an outlet to talk."

Responding to a question from Ms. Ottens-Sargent, the Chairman explained that he was suggesting having a Full Commission Meeting in a large venue, most likely in Oak Bluffs, where people could come to ask questions and voice grievances.

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Mr. Woodruff observed that he did not disagree with the idea and that he was not suggesting Public Officials should not be held accountable for their votes and actions. "But I'm concerned," he said, "that there's a lynch-mob mentality out there, and how is that going to be mediated and handled." Chairman Vercruysse responded that the Public Meeting would not be focused on a single issue but on ensuring that people knew what the Commission did for the Island.

"I guess what I'm coming to," continued Mr. Woodruff, "is that I'm thinking that you'd almost need to have someone mediate this possibly or [be] in a position to do that." He mentioned the outbursts that had occurred in the previous Regular Meeting. *[See pages 8 through 10 of the Full Commission Meeting Minutes of March 21, 2002.]* The Chairman agreed that the Hearing would require some thought and consideration as well as some guidelines.

Mr. Israel expressed support for the idea, so long as it was a mediated discussion about the role of the Martha's Vineyard Commission in the community. However, he said, "if it's going to be a forum on a project we rejected, I'm not supportive of that. I think we'd need a separate forum about that." He spoke of the sadness he felt regarding recent events, and he emphasized that all the Commissioners had voted their consciences.

*[At this point – 9:41 p.m. – Ms. Sibley left the conference room and brought back with her Ms. Warner. Thus, the Commission members seated at the table until the Meeting adjourned were: J. Athearn; J. Best; C. Brown; M. Cini; M. Donaroma; J. Greene; T. Israel; M. Ottens-Sargent; K. Rusczyk; L. Sibley; R. Toole; J. Vercruysse; K. Warner; R. Wey; A. Woodruff; and R. Zeltzer.]*

"I think the horse is out of the barn, I think, in some sense," remarked Mr. Donaroma. "I don't think that people are going to be interested in what we do. They'll be interested in what we *did*. I think we need to do something. We need to do something soon. I'm not clear what that is yet. Somehow we need to get a forum together and start talking about what to do. It may be another talk with our attorney."

Mr. Donaroma added, "And the reason I say the horse is out of the barn, I think, is people know what we do, and it helps to tell them what we do, what the Commission does in each Town to reaffirm what we're supposed to be doing as planners. But I think the issue at hand now is what have we done, what are we going to do, what's going to happen, and how do we go forward with this mess that we've got ourselves in."

Mr. Zeltzer agreed that it would not be desirable to have a forum where people were simply "standing there screaming" as they had during the second Vote on the Down Island Golf Club Written Decision. *[Ibid.]* He continued, "It didn't make me angry. It didn't make me mad. It didn't make me sad. I felt a little embarrassed for them, but other than that I didn't have a problem with it. But if we go into a forum and the same people come and they spend most of their time back-benching and shouting, we're going

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to accomplish nothing ... I also don't want to have a meeting where you have to have policemen to get people to sit and be quiet. That would be pretty counterproductive."

Mr. Zeltzer stressed that the format of such a meeting would be key. Some of the subjects included, he said, could be "what the Commission, what Chapter 831 is, what grants had been written with the assistance of Commission Staff, what some of the DCPCs had accomplished." He added, "And if people were willing to confine their discussion to that area, that would be great. I don't know how we can do that."

Ms. Sibley, Chair of the Planning and Economic Development (PED) Committee, related that her committee had had a discussion earlier that evening which in a way had addressed the same issue, except from "a more internal point of view." She explained, "We believe that it's important for the Commissioners to get together and to talk to each other about why we chose to become members of this body, what our hopes are for the body and what it can do for Martha's Vineyard."

She also recognized, Ms. Sibley said, that there was also "a huge need for communication with the public. Maybe what we need to do is to create a small subcommittee to work on this, because I don't think that this large body can. But my other suggestion would be that whichever we do, ... the word 'mediator' keeps coming up, the notion that, for example, you [Chairman Vercruysse] shouldn't have to chair the meeting because you should be able to be a participant."

Ms. Sibley continued: "Maybe we need Pat Gregory. He did a fabulous job of dealing with a very complex and explosive issue around the Steamship Authority. If not Pat, then someone like him." She also suggested that a subcommittee of the Commission put together an agenda of topics to be covered, in order to provide a structure and to prevent the discussion from getting out of hand.

Mr. Wey commented, "I think I kind of agree with Linda [Sibley] on this. I think we should have a meeting amongst ourselves, have one meeting and discuss all these issues before we go out to the public. Then I think it's a good idea to have a meeting with the public. Not just Oak Bluffs, but open it to everybody, all the different Towns – you know what I mean? – maybe have it at the high school. But I think we should meet amongst ourselves to devote a meeting to this and just air everything out – I think that's important – and then go forward with a public meeting."

Ms. Sibley pointed out that the PED Committee was recommending that the Commission members meet amongst themselves. Ms. Ottens-Sargent said she wanted to express support for what Mr. Wey had just said.

Ms. Warner related that the PED Committee had been looking at scheduling the "internal" session for Thursday, April 25, an evening for which no Full Commission Meeting was slated. The plan was to invite the entire Commission to a Special PED Meeting at 6:00 p.m., with said meeting running for the entire night, she explained.

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Among the suggested topics were why people came to serve as Commissioners and what they would like the Commission to do. The meeting would start with pizza, she said, and, in her view a facilitator of some kind would be in order.

Ms. Greene noted that six o'clock did not work for her. "It's too early," she said. She expressed doubt that it would be desirable for the members to sit there from six until midnight. "Seven is just fine," said Ms. Warner. "We want it to be clearly not a Commission Meeting and [that] no other business get carried on."

Ms. Greene suggested that the Chairman speak to Commission Counsel "before we get too far into this meeting, because we don't want to find we get caught up if something that gets said is part of the lawsuit." "That's part of my Executive Committee Report," noted the Chairman.

Ms. Brown agreed that both meetings were a good idea. Of particular interest to her, she said, was to better understand the role the Commission played in the community and to focus on what kind of planning activities the Commission and Staff would be engaged in over the next year. In addition, Ms. Brown expressed the view that the Public Meetings would better serve the public if they were done with the help of a moderator on a Town-by-Town basis, with the questions and issues laid out beforehand.

The discussion turned to the issue of whether the Chairman should talk to Commission Counsel to find out if the meeting amongst the Commissioners themselves had to be open. Ms. Greene expressed the opinion that it had to be a Public Meeting.

Mr. Israel stressed that the focus should not be on a particular DRI, and Ms. Warner agreed, explaining that the idea was to generate some creative thinking. Mr. Zeltzer pointed out that there was an important educational step to take before asking the Towns what they wanted the Commission to do, namely, to educate the Towns as to what the Commission *could* do. Ms. Sibley suggested that Staff draw up a primer on Chapter 831. Mr. Zeltzer recommended that the Preamble of the enabling legislation be emphasized.

Ms. Brown made a **Motion That The Commission Accept Ms. Sibley's Suggestion And Put Together A Three-Person Subcommittee To Sketch Out The Agendas Of The Various Public Meetings They Had Been Discussing.** *[There was no second heard for this Motion, nor was a Vote taken on it.]*

Ms. Sibley expressed the hope that, given the general feedback, the Commission could make the commitment to have a Meeting on April 25 to discuss the role of the Commission amongst themselves. She stressed the importance of not having any other items on the Agenda that evening. "Sure," responded Ms. Brown. Ms. Warner noted the possibility that out of the April 25 meeting could emerge both the three Commissioners who wished to serve on the subcommittee as well as the shape the Public Meeting Agendas could take.



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With the aim of having the best attendance possible, the Chairman remarked that he thought the April 25 meeting should be a Full Commission Meeting and not a PED Committee meeting. Ms. Sibley argued for the latter. "If it is a posted Regular Commission Meeting, inevitably, someone's going to come up with a list of 'Oh, we ought to do this tonight, too and this tonight, too and this tonight, too.' ... Maybe you as Chairman have the self-control to say there will be nothing else on this Agenda. But that was our concern, and if it's a PED meeting and everybody comes, then you can't do other business."

Acknowledging that he did not know what the Staff's current workload was like, Mr. Zeltzer requested that, if possible, Staff draw up an outline for the primer that Ms. Sibley had described. "It might be helpful and move us along," he said. "I'd like the Staff to be part of this discussion," said Ms. Greene. Ms. Sibley agreed, noting that in the PED Committee meeting the members had thought that as well.

**Reports [Continued].**

Providing the **Executive Committee Report**, Chairman Vercruysse related that the committee had met in Executive Session to discuss ongoing legal matters. "And I assume that Eric [Wodlinger] will be briefing the full body when it's appropriate on what has been happening and what has happened," he said.

The Chairman also reported that the **Search Committee** had met the Tuesday before and had voted 6-2 to recommend to the full Commission that it interview Stephen Cofer-Shabica for the Executive Director position. Words were exchanged about whether or not a Motion was necessary to begin a discussion of this matter. The Chairman suggested that they start the discussion without a Motion.

**Discussion: Interview of the Executive Director Candidate by the Full Commission.**

"So the committee recommended that we do this?" asked Mr. Israel. "Yes," replied the Chairman and Ms. Sibley at the same time. Mr. Israel then remarked that he thought that Staff had been doing "a very good job holding down the fort here, a really good job, and I mean that sincerely." Having said that, Mr. Israel emphasized that the Commission needed to "get its situation settled as quickly as possible."

Ms. Cini suggested a third alternative: to keep Mr. Cofer-Shabica "on hold" while the Search Committee went out and got more candidates. "Is it not harmless to interview him?" inquired Mr. Donaroma. "There is harm, I feel," commented Mr. Best, who went on, "I think other members of the Search Committee feel that too. If we interview him and then we say, 'Oh, we're going to go out and do [more searching], we're going to lose him.'"

Ms. Sibley pointed out that Mr. Cofer-Shabica was working on a contract that would end in August, so he needed employment. "If we delay, we could also lose him," she

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cautioned. "I think if we interview – I mean, it's odd there being just one person – where I'm concerned if we went out and looked for more people so we could have a choice, we're losing [time]." She recommended that the full Commission interview Mr. Cofer-Shabica, "then look him straight in the eye and say, 'You know, we need a choice,' and [if] he walks away, then we know that he doesn't have the stomach for the job. Whereas if we delay, ... then we're really being unfair to him. It's not his fault that we lost the other candidates. We think highly enough of him to think that the full Commission should look at him, and I think we're more likely to lose him from time than we would be from a hard test."

"As part of the minority on the committee, I would have to say that I disagree," commented Mr. Zeltzer, who characterized Ms. Sibley's idea as "ridiculous from my point of view [because] unless he is totally without ego, he's going to leave and he's never going to come back again." He recommended that, instead, the committee tell Mr. Cofer-Shabica the truth – that the committee wished to interview more candidates but that Mr. Cofer-Shabica was certainly a finalist.

"And I have to say this, too," declared Mr. Zeltzer. "I thought he was a very reasonable candidate, and I would strongly recommend that the Commission talk to him. But I am not without reservation about the man, and I would like the opportunity to see more people. And I think we cut off our nose because we're in such a rush."

Mr. Israel observed that if the full Commission interviewed the candidate and found that he was not the one they wanted, then the Search Committee should proceed to procure other candidates. "If he is someone that we want," he remarked, "then I say let's go for it. I mean, we'll vote. We'll know."

Ms. Sibley commented, "The only thing I would add to that is I respectfully disagree with Bob [Zeltzer] that it would take a couple of months. The thing we discovered the first time around is that the lead time just for getting ads into the magazines and then having a fair time for people to respond to them suggests that it would take four months."

"I have a real concern you're interviewing one candidate and telling him he's the finalist," said Ms. Greene. When Ms. Sibley disagreed, Ms. Greene responded, "Because he's going to know that he's the only one being interviewed from the papers. I think we really need to go back and get at least ..." Ms. Greene was cut off by the Chairman, who indicated that the Commission should take a vote on the matter at that point.

Ms. Sibley made a **Motion That The Full Commission Interview Stephen Cofer-Shabica For The Position Of Executive Director**, duly seconded by Mr. Wey. By Hand Vote, said Motion carried, with 11 Ayes (J. Athearn; J. Best; M. Cini; T. Israel; M. Ottens-Sargent; L. Sibley; R. Toole; J. Vercruysse; K. Warner; R. Wey; and A. Woodruff), five Nays (C. Brown; M. Donaroma; J. Greene; K. Rusczyk; and R. Zeltzer) and none Abstaining.

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Mr. Athearn suggested that the Search Committee could still advertise for other candidates. Mr. Donaroma agreed, saying, "I don't mind interviewing this guy, but I just don't want it to end there. We should try. Haste makes waste. What's the rush? Staff's not screaming for help at the moment. They're doing a good job."

Ms. Brown remarked that although she had voted against Ms. Sibley's Motion, she was uncomfortable with her vote because it had been a simple up-down decision. "But I agree, if there's some way we can set it up that we don't feel and he doesn't feel that this is a yes-no. This is a very unusual situation, you know, the Commission's going through a, you know, a time of re-examination itself. Because of the way the search worked its way out, you know, he's the only candidate we're interviewing, I think we'd better be super-candid with him."

Ms. Brown recommended that before the full Commission interview, the Search Committee come up with specifics on what the Commission wanted to say to the candidate. She also suggested that all the members get a copy of the job description and that the committee draw up some form of specific job expectation write-up. "We have that," indicated the Chairman.

Ms. Sibley expressed the hope that the process would move forward. In the meantime, she said, the Search Committee should meet again to discuss the full Commission interview and to ask the candidate to return for said interview. If possible, she suggested, the interview should take place on a Saturday morning "and really allow for a good deal of time, including, since it would be a public process at this point, allow some time in the process for members of the public to ask him questions."

"I don't think that the public is interviewing him," objected Ms. Greene. "I beg to differ with Jennie [Greene]," said Ms. Sibley. "I think the public should be able to ask him questions." "No," declared Ms. Greene.

Mr. Zeltzer had a recommendation: "I would tell him that we're going to continue the search process and that other people will be brought in and that they be brought in sometime after he was here ... The only point that I want to make on this is that if you have several presentations – and an interview is a form of presentation – all I can tell you is anybody who has made a living doing presentations always wants to be last ... and we may put the guy at a disadvantage." He suggested that the candidate be allowed to put off the full Commission interview if he wished. "We just voted to interview him," said Ms. Sibley. "I know that," said Mr. Zeltzer.

The candidate urged the members to move on to the other reports.

**Reports [Continued].**

Ms. Cini, Chair of the **Finance Committee**, reported that her committee had met two days earlier and had voted to accept the Edgartown National Bank's offer to refinance the

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agency's mortgage. In addition, she said, the committee was in the process of renewing the lease for the Commission's parking lot. "Basically, Marcia [Cini] saved us a bunch of money," noted the Chairman. (Applause.)

Reporting on the **Island of Chappaquiddick DCPC Committee**, Mr. Athearn said that the committee was gone and that the Town would be voting on the Regulations in the Annual Town Meeting the following Tuesday.

Mr. Toole provided the **LUPC Report**, relating that on March 18 the committee had looked at the **Hart Building (DRI #549)** in West Tisbury, an Application which had since been withdrawn. In addition, the **SBS Applicant (DRI #191M)** had come in with a modified landscape plan. DRI Coordinator Jennifer Rand explained that the Applicant was looking to make it a living display rather than a planting display.

Mr. Toole continued that on March 25 the LUPC had conducted a visit to the site of the **Fair Winds Comprehensive Permit project (DRI #548)**. "It's a challenging piece of land," remarked Mr. Toole, who added that the neighbors' properties had all encroached as much as 20 to 30 feet into the Fair Winds lot. "It's going to be a real challenge," Mr. Toole repeated.

Ms. Rand reported that the Fair Winds project would be back at the Land Use Planning Committee on Monday, April 15. There was talk of scheduling another visit to the site. When Ms. Ottens-Sargent suggested doing it on Patriots Day (April 15), Ms. Greene pointed out that the LUPC could not meet on a legal holiday.

Mr. Toole noted that another project the LUPC would be reviewing was the **B.A.D.D. Company subdivision (DRI #551)** at the site of Grant's Pit in Katama. "There're eight lots on the rim and there's one big lot down in the pit," he reported, adding, "This is another challenging one." Ms. Rand announced that a visit to the B.A.D.D. Company site was slated for May 6.

Also, in view of the legal holiday on April 15, Ms. Rand said that the date(s) of the site visit and Continued Pre-Public Hearing Review for the Fair Winds project had to be moved. After some discussion, it was agreed that six o'clock would be a good time for people to meet. Ms. Rand said she would notify the members when she had arranged the date with the Applicant's agent.

Ms. Sibley strongly recommended that all members who had not already done so go on the Fair Winds site visit. "It is a property you should see," she urged, adding, "This is not something that can be judged by a map."

**Discussion: Commission Member Get-Together.**

Ms. Warner referred the members to the variously colored slips of paper she had distributed to them. She was proposing, she said, to have a simple get-together.

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Responding to a question from Ms. Brown, Ms. Warner replied that the occasion was for members only – no dogs, no spouses, no Staff members. After some discussion, the consensus reached was to meet on Thursday, April 11, at 6:30 p.m.

**Vineyard Gazette Senior Writer Julia Wells** wanted to know if such a gathering would constitute a public meeting, given that a quorum of Commission members would be present. "It's a party," responded Ms. Warner. "We'll be checking into that," said Ms. Brown. After some discussion, it was agreed that Staff would consult with Commission Counsel on the matter.

**Reports [Continued].**

Ms. Rand announced that the public forum accompanying the **U.S. Army Corps of Engineers' Scoping Session on the Wind Farm proposal on Nantucket Sound** would take place within the April 18<sup>th</sup> Regular Meeting, beginning at 7:30 p.m. in the Baylies Room of the Old Whaling Church. She emphasized that the forum was not an MVC Public Hearing and that the Army Corps would tend to the Legal Notices and so forth.

Ms. Rand explained that this would be the one opportunity for Island people to express their views on the *scope* of the Environment Impact Statement that would be demanded of the applicant. Mr. Veno noted that the session would provide a chance for Commission members to identify the issues that the Army Corps should be looking at.

Responding to a question from Ms. Cini, Ms. Rand related that the applicant would not be making a presentation, only the Corps of Engineers. "It isn't our meeting," she stressed.

Mr. Israel observed that the project was certain to have a major impact on the Vineyard, and he expressed the hope that the forum would be better attended than the one for the applicant's presentation held in January.

Ms. Rand noted that the presentation would be identical to those made in Mashpee and Boston, so people who had attended the earlier meetings did not have to come. The time was 10:26 p.m.

Regarding the **Affordable Housing Policy Review Subcommittee**, Ms. Cini reported that she and Acting Executive Director Irene Fyler had terminated the contract with consultant Patrick McGovern and that they had not yet taken the initiative to contact John Ryan.

For the **Legislative Update**, Mr. Veno reported that he had received "a big box of laws" earlier in the day.

**New Business: Response to SRPEDD Request.**

The Chairman referred the members to a packet of materials they all had on a request from the Southeastern Regional Planning and Economic Development District (SRPEDD) that the Commission endorse the concept of designating the water route between New Bedford and the Vineyard part of the Federal Highway System. *[See the meeting file for a copy of said packet.]*

Ms. Greene pointed out that the question was moot, since the Nantucket Planning and Economic Development Commission (NP&EDC) had already come out against the proposal and the endorsement of all three parties involved was necessary.

Ms. Sibley observed that this was a very complicated issue and that there may be some significant consequences to the proposed designation. It was possible, she said, that it would have some effect on whether or not they could, as they had done a few years before, request that the Steamship Authority limit the number of cars they were bringing to the Island. "And I don't mean that as a scare tactic either," she remarked, "but these are possible things, and I think that we actually need to investigate what the legal consequences of this might be."

Ms. Brown referred the members to the Staff Secretary's cover memorandum for the packet, where it was stated that the Vineyard's Steamship Authority representative was talking to SSA Counsel Steven Sayers about this matter. She suggested that the Staff Secretary convey to Mr. Sayers the questions that were coming up that evening, for instance, what did the designation mean in the broadest sense, what did the designation mean specifically, and what were the benefits and detriments of the designation for the Island.

Ms. Sibley asked Transportation Planner David Wessling if he could research the issue of whether the designation would improve funding options for the Steamship Authority and whether it would affect the SSA's ability to limit the number of vehicles coming over to the Island.

Referring to the letter written by NP&EDC Executive Director John Pagini and signed by NP&EDC Chairman Alvin S. Topham, Mr. Wessling remarked that the views promulgated therein were "absolutely correct." He had spoken to people at the Massachusetts Highway Department in Boston, he said, "and they tell me that there's an opportunity to upgrade a road from the port to the airport." He stressed, though, that said road would adhere to Federal standards and "wouldn't be like an Island road."

After some more discussion, it was agreed that Staff would look into the matter further and report back to the Commission.

**New Business: Compensation Plan.**

The next Agenda item concerned compensation for Irene Fyler and William Veno for their added responsibilities as the Acting Executive Director and Acting Principal Planner, respectively. Ms. Greene commented that she would have preferred to have compensated them financially, but since the current budget did not allow for it, they were being offered additional vacation time.

The Chairman provided a further explanation. Ms. Fyler referred the members to the sheet she had distributed which contained a statement about the compensation plan for the Chairman to sign. *[See the meeting file for a copy.]*

Ms. Greene made a **Motion That The Commission Direct Chairman Vercruysse To Sign The Compensation Plan Statement**, duly seconded by Ms. Ottens-Sargent. Ms. Brown inquired if the plan was acceptable to Ms. Fyler and Mr. Veno. It was, replied Ms. Fyler. "In which case, I'd like to thank you," said Ms. Brown, who commended the two for the job they were doing.

Ms. Ottens-Sargent wondered if the Commission could return to not having their Meeting schedule run by the DRI Applications. "If we were to recognize that we're in a transition and that Staff, you know, is taking on more responsibilities, maybe we could slow down the schedule," she said. "You can't," interjected Ms. Sibley. Ms. Cini agreed, and the matter was dropped.

The Chairman conducted a Voice Vote on Ms. Greene's Motion, which carried unanimously, with 16 Ayes, no Nays and none Abstaining.

**Report: Meeting with the Edgartown Board of Selectmen.**

Mr. Donaroma described an appearance he had made before the Edgartown Board of Selectmen two days before to respond to some questions they had posed to him about the Commission. "I started out by explaining we have an excellent Staff, hard-working," he recounted, "and I assured them that the financial condition that the Commission's in now is in good shape. After talking to Irene [Fyler], she assured me that there were no hidden bills, which was some of the questions that were asked, and that the bills right now were ... about \$50,000, and these are *current* bills, current *legal* bills."

The Selectmen realized that the Staff had been running a tight ship financially, especially last year, Mr. Donaroma continued. But he had reported, he said, that there was the possibility of "an upcoming Black Hole, meaning the upcoming Denials lawsuits that we all know that are piling up and about to come in and hit us, possibly."

"Not only does this create uncertainty for the powers to be in Edgartown, which has been told to me over and over prides itself on putting together projections and budgets for the upcoming years," Mr. Donaroma went on, "this creates some grave concern for the

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Selectmen and for myself. What's going to happen to us? ... We don't have the answers to all this."

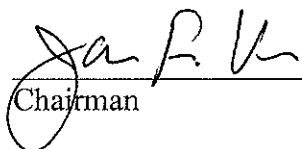
Mr. Donaroma addressed briefly the question of liability and the fact that the Town of Oak Bluffs had recently voted to withdraw from the Commission. "So that was basically really it," he said. "I didn't really have a lot of answers. I have some grave concerns and they're concerned, I'm concerned, I think we're concerned or we should be concerned, and hopefully we'll discuss this." He then added, "I did some venting at the end about how I feel this Commission has acted on that golf course, but you all know how I feel, so I don't have to get into that."

Mr. Israel remarked that one way to change things if one did not like the way the Commission was being run was to find candidates that supported one's viewpoint and have them run for office or be appointed by the Selectmen. "There is a process to change things, an orderly process," he said.

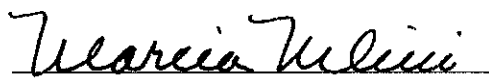
"Michael [Donaroma], were all three Selectmen there at the meeting?" asked Mr. Wey. "Yeah," answered Mr. Donaroma, "two of them spoke quite a bit about it. Margaret [Serpa] didn't have much to say, though. She was chairing it."

Ms. Warner commented, "I guess I feel like, I mean, I wasn't at the meeting and I don't know exactly what happened at that meeting, but I feel like to add fuel to the fire at this moment is really not productive and I just, I don't know, I find it upsetting."

Mr. Israel made a Motion To Adjourn, duly seconded. The Special Meeting adjourned at 10:43 p.m.

  
Chairman

24 June 2002  
Date

  
Clerk-Treasurer

24 June 2002  
Date

PRESENT: J. Athearn; J. Best; C. Brown; M. Cini; M. Donaroma; J. Greene;  
T. Israel; M. Ottens-Sargent; K. Rusczyk; L. Sibley; R. Toole;  
J. Vercruysse; K. Warner; R. Wey; A. Woodruff; and R. Zeltzer.

ABSENT: A. Bilzerian; E.P. Horne; J.P. Kelley; C.M. Oglesby; and R.L. Taylor.

*[These Minutes were prepared by the Staff Secretary using her shorthand notes as well as a tape recording of the Special Meeting.]*